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PATENT APPLICATION

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#7
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Roberton
Electron

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
ALEXANDER VINCENT DANILO et al.)
Application No.: 09/930,472)
Filed: August 16, 2001)
For: METHOD AND APPARATUS)
FOR PRINTING COMPUTER)
GENERATED IMAGES)
Examiner: C. Nolan, Jr.
Group Art Unit: 2854
Monday, July 28, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO RESTRICTION REQUIREMENT
WITH TRAVERSE

Sir:

In response to the restriction requirement set forth in the Office Action dated June 27, 2003, Applicants provisionally elect Group I, namely, Claims 1 to 17, 39 and 40, allegedly drawn to a method or computer readable medium for rendering an output image, classified in class 400, subclass 76. This election is made with traverse.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on

July 28, 2003

(Date of Deposit)

Dennis A. Duchene (Reg. No. 40,595)

(Name of Attorney for Applicant)

Signature

July 28, 2003

Date of Signature

An application may be properly required to be restricted to one of two or more claimed inventions only if the inventions are able to support separate patents and they are either independent or distinct. MPEP § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP § 803.

"The term 'distinct' means that two or more subjects as disclosed are related, for example, as combination and part (sub-combination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed and are patentable (novel and unobvious) over each other (though they may each be unpatentable because of the prior art)." MPEP § 802.01. In this regard, Applicants respectfully submit that the claims of Groups I and II are all generally directed to the field of art concerning the rendering an output image on an output device at a first resolution using a rendering device limited to rendering to a second resolution, the second resolution being lower than the first resolution, which includes the segmenting of the output image into a plurality of sub-areas, wherein each sub-area is capable of being rendered by the rendering device at the second resolution, the rendering of each sub-area by the rendering device at a resolution not more than the second resolution, the combining of the rendered sub-areas to form a band of the output image, and the outputting of the band on the output device at the first resolution. Accordingly, two-way distinctness is not seen to be present among the claims of Groups I and II. MPEP § 806.05(c).

Furthermore, Applicants respectfully submit that the claims of the above-described invention of the present application belong in a single class; to wit, Class 358, subclass 1.16, because they are all directed to image rendering at a lower resolution. The Office

Action alleges that the claims of Group I are directed to Class 400, subclass 76. Applicants respectfully disagree with this assertion. In particular, Class 400, subclass 76, is directed to a character-type based printing mechanism which is program-controlled to control the printing of character text by controlling movement in the “X” and the “Y” directions. The above-described invention is directed to image rendering at a lower resolution, and is not particularly directed to the feature of a character-type based printing mechanism which is program-controlled to control the printing of character text, as in Class 400, subclass 76. Class 358 is directed to reproduction of a two-dimensional image based on an image signal or image-representative data, and subclass 1.16 of Class 358 is directed to the additional features of memory configuration, storage or retrieval of image data to be rendered. Applicants therefore submit that the claims of Group I were improperly classified, and that all claims of both Groups I and II should be classified in Class 358, subclass 1.16.

Even if Groups I and II are considered to be independent or distinct inventions, which Applicants do not admit to be the case, the search and examination of all pending claims of Groups I and II can be made without serious burden, and therefore restriction is believed to be improper. MPEP § 803. Specifically, the claims of Groups I and II are all directed to the field of art concerning rendering an output image on an output device at a first resolution using a rendering device limited to rendering to a second resolution, the second resolution being lower than the first resolution, as described above. Accordingly, Applicants respectfully submit that concurrent search and examination of all claims of Groups I and II can be made without serious burden.

Based on the foregoing remarks, Applicants respectfully submit that the restriction requirement is improper and therefore request reconsideration and withdrawal of the restriction requirement, and the concurrent examination of all currently-pending claims of Groups I and II.

Applicants' undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


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